



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

CERTIFIED MAIL - FIRST CLASS MAIL
RETURN RECEIPT REQUESTED

8P-HW
Michael Wolter
Group Manager Waste Approvals
Waste Management
W132 N10487 Grant Drive
Germantown, WI 53022

RE: Determination: The McDaniel Solid Waste Landfill
Located in Sawyer, North Dakota is Acceptable for
the Receipt of CERCLA Wastes

Dear Mr. Wolter:

This letter is in response to your e-mail of July 18, 2011, in which you requested an Off-Site Rule (OSR) acceptability determination for the McDaniel Solid Waste Landfill facility pursuant to 40 CFR 300.440. As you may be aware, EPA promulgated the OSR to assure that wastes from sites being cleaned up under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are sent to treatment, storage and disposal facilities that are environmentally sound, thereby preventing those wastes from contributing to present or future environmental problems.

EPA has completed its evaluation of the McDaniel Landfill facility located at 12300 247th Avenue SE, Sawyer, North Dakota, in accordance with the CERCLA OSR. EPA has determined the McDaniel Landfill facility to be acceptable pursuant to the CERCLA OSR which is codified at 40 CFR 300.440. This determination was based largely on information provided in an email dated July 20, 2011, from Mr. Steve Tillotson, the Manager of Solid Waste Program at the North Dakota Department of Health. In that email message, Mr. Tillotson provided facility specific information for the two criteria that EPA uses as the basis to determine acceptability: relevant violations and uncontrolled releases. Mr. Tillotson's email reported that there are no pending violations against the McDaniel Landfill facility and this email also reported that there are no indications of a groundwater release at the McDaniel Landfill.

This OSR determination is valid only for the currently-active landfill cells. Please note that all other treatment, storage, and disposal units must be evaluated and found acceptable under the OSR prior to receiving CERCLA wastes. Please also note that the CERCLA Off-site Rule Acceptability status for a facility is subject to change based on future findings of noncompliance and/or releases to the environment.



Printed on Recycled Paper

For your convenience, I have enclosed a copy of the OSR with the preamble as it appeared in the Federal Register. The rule without the preamble can be found in the Code of Federal Regulations at 40 CFR 300.440.

If you have any questions regarding this letter or the CERCLA Off-Site Rule, please contact Terry Brown, Off-Site Rule Coordinator for EPA-Region 8, at (303) 312-6419.

Sincerely,

Steven A. Burkett, Director
Solid and Hazardous Waste Program

Enclosure

Cc: Tillotson, Steve J. - NDDH w/o enclosure